

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 1792

Torsten Gottschalk-Gaudig et al.

Examiner: Elena Tsoy Lightfoot

Serial No.: 10/738,543

Filed: December 17, 2003

For: WATER-WETTABLE SILYLATED METAL OXIDES

Attorney Docket No.: WAS 0611 PUS

**RESPONSE TO NOTICE OF NON-COMPLIANT
APPEAL BRIEF UNDER 37 CFR § 41.37**

Mail Stop Appeal Brief- Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants received a "Notice of Non-Compliant Appeal Brief" mailed November 25, 2009. In the Notice, checked were box 6 "The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 C.F.R. § 41.37(c)(1)(vii)), and box 10 ("Other): c(7) The argument section must match the grounds section inasmuch as each grounds corresponds to a heading within the argument section."

Appellants' attorney has reviewed the Appeal Brief and has confirmed that it fully meets the requirements referred to in the Notice.

Specifically, there are three grounds of rejection: (A) §112; (B) §103(a) over *Barthel*; and (C) §103(a) over *Tojo*. In the Brief, beginning on page 9, the same grounds are delineated by the same alphabetic headings: page 9, "A. The Rejections of the Claims Under 35 U.S.C. §112"; page 10, "B. The Claims are Patentable over *Barthel*"; and page 18, "C. The Claims are Patentable over *Tojo*."

It is thus respectfully submitted that the claims fully meet the requirements of the Rules, and withdrawal of the Notice of Non-Compliant Appeal Brief is respectfully solicited.

Respectfully submitted,

Torsten Gottschalk-Gaudig et al.

By:



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Date: December 15, 2009

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